



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III

841 Chestnut Building
Philadelphia, Pennsylvania 19107

AUG 31 1988

Arthur A. Davis, Secretary
Department of Environmental Resources
Commonwealth of Pennsylvania
P.O. Box 2063
Harrisburg, PA 17120

Re: DER Subsidence Stabilization Project
Heidelberg Colliery, Dupont Borough

Dear Art:

Thank you for your August 19, 1988 letter regarding the Subsidence Stabilization Project for the Heidelberg Colliery. We are aware that the Department of Environmental Resources (DER) has responsibilities in addition to those imposed by the environmental statutes and we understand your desire to proceed with this subsidence stabilization project. However, as set forth in this letter, the U.S. Environmental Protection Agency (EPA) has concerns regarding this project, both for its potential to initiate a release from the Butler Tunnel Superfund Site and for its effect on the planned Remedial Investigation/Feasibility Study (RI/FS) at that Site.

While I do not think it is appropriate here to respond in detail to the technical issues you have raised in your August 19 letter, EPA does feel that a large number of unknowns are presented by this project and that it is in both EPA's and DER's interest to proceed in a manner which safeguards against as many potential harms as possible. For example, as you have pointed out, there is at least one known breach between the Heidelberg and Butler mine pools, and it is likely there are more in the common wall. We further understand that it is unknown whether the mine shaft, down which you are expecting the excess water to run, is completely clear. Lastly, while some tests of the Heidelberg water have been taken, we do not know of any which have been made of the interface which is where, if there has been contamination similar to Butler, we would want to sample. More important, we feel that due to the many unknowns, it is not possible for anyone to predict with certainty what effect the stabilization project will have on the water level, water quality and flow rates between these two systems which are currently at equilibrium. Because of this, we believe that potential does exist for the stabilization project to cause a release from the Butler Tunnel. Further, we

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believe that it is essential that boreholes be installed and baseline sampling be conducted for the Butler Tunnel RI/FS before DER begins the stabilization project. Please appreciate that we did not conduct this work earlier because DER did not inform us that it, in fact, intended to go forward with the project until August 5, 1988.

In light of the foregoing, EPA strongly recommends that DER repair the Butler Emergency Response Plan (BERP) and have a functional early warning system in place before beginning the stabilization project. As you know, the responsibility for this system has been with DER since April 1, 1986. Additionally, it would be prudent as well for DER to have booms and other emergency response equipment available near the outfall into the Susquehanna. Lastly, we would urge DER to participate in sampling and monitoring of the two systems both to allow the early prediction of any change which might be a precursor to a release from Butler Tunnel and to gauge the effect, if any, that the stabilization project is having on Butler to protect the integrity of the RI/FS.

With respect to the conditions for delay which you have delineated in your letter, please understand that the responsible parties have earlier indicated, very directly, that they will not agree to opt in and perform the RI/FS if this project proceeds. Neither the responsible parties nor EPA believes that the RI/FS should be conducted during the stabilization project. Nevertheless, we have forwarded to the PRPs a copy of your August 19, 1988 letter and thereby presented your conditions. Their response is enclosed. DER should also be aware that EPA believes that it is likely that should the stabilization project proceed, and should Butler Tunnel be affected by it, the Commonwealth of Pennsylvania may become liable under the applicable environmental statutes, including the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA") 42 U.S.C. §9601 et seq., as amended by the Superfund Amendments and Reauthorization Act of 1986.

I understand that there was a meeting between EPA and DER on August 29, 1988 during which DER offered to install the boreholes for the baseline sampling effort. Since DER already has the necessary equipment on site, this will save considerable time in carrying out the baseline study. I wish to thank you for assisting us in collecting this information, and I look forward to talking to you on August 31.

Sincerely,

Original Signed By
James M. Seif

James M. Seif
Regional Administrator

Enclosure

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